



# ***Uniformed Services University of the Health Sciences***



## **Rights and Duties of Medical Personnel During Armed Conflict**



**Lt Col Schlegel, BDE/JA, Asst GC  
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- **Law and War**
  - **The Law of Armed Conflict (LOAC)**
  - **Purposes of LOAC**
  - **Persons Involved in Combat**
  - **Principles of LOAC**
- **Medical Personnel During Armed Conflict**
- **Identification of Medical Personnel**
- **Protections Afforded**
- **Treatment of Enemy Prisoners of War**
- **Enforcement**



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- **Legal Bases for LOAC**
- **International Law**
  - **Customary Law: practice of nations**
  - **Treaties**
    - **Hague Conventions: means, methods of warfare; conflict management**
    - **Geneva Conventions: protection of combatants, noncombatants**
- **Domestic Implementation**
  - **DoDD 5100.77, *DoD Law of War Program***
  - **Uniformed Code of Military Justice (UCMJ)**



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- **DoDD 5100.77, *DoD Law of War Program***
  - **LOAC will be observed**
  - **Establishes training, education requirements**
  - **Requires reporting of LOAC violations**
- **Geneva Conventions**
  - **Sick and Wounded in the Armed Forces on Land (GWS)**
  - **Protection of the Wounded, Sick and Shipwrecked at Sea (GWS-Sea)**
  - **Prisoner of War Convention (GPW)**
  - **Protection of Civilians Convention (GC)**



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- **Purposes of the Law of Armed Conflict (LOAC)**
  - **Diminish effects of conflict**
  - **Protect combatants and noncombatants from unnecessary suffering**
  - **Safeguard fundamental rights**
  - **Prevent degeneration into savagery and brutality**
  - **Facilitate restoration of peace**



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- **Categories of Persons Involved in Armed Conflict**
  - **Combatants:** authorized to engage in hostilities
  - **Noncombatants:** not authorized to engage in hostilities...and do not engage
  - **Unlawful Combatants:** not authorized to engage in hostilities...but do engage



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- **Principles of LOAC**
  - **Military Necessity:** combat forces should engage only in those acts necessary to achieve a military objective (MO)
    - Application: lawful v. unlawful targeting
  - **Proportionality:** use no force greater than necessary to achieve a legitimate MO
    - Application: types of weapons used
  - **Humanity:** forbids treachery
    - Application: use of protected symbols

- **Military Medical Personnel during Combat**
  - **Permanent personnel:** “engaged exclusively, in the search for, the collection, transport or treatment of the wounded or sick in the prevention of disease.”
    - White armlet w/Red Cross emblem on left arm
    - Detainees
  - **Auxiliary personnel:** those engaged part time in medical service
    - White armlet with miniature Red Cross emblem
    - POWs
- **Both Carry a DD Form 1934, “Geneva Convention ID Card for Medical and Religious Personnel”**



## **■ Protections Afforded Medical Personnel**

- Subject to capture: must not resist if taken peacefully**
- Shall continue their medical functions**
- Shall be granted facilities for health care**
- Shall be permitted to visit all POWs**
- SMO shall be responsible for duties, communications**
- May not be deprived of insignia, ID card, or armlet**

- **Protections Afforded Medical Facilities**
  - **May not be attacked: protection contingent not on proper marking but on recognition**
  - **May not be used in a hostile manner: certain situations jeopardize status**
  - **May not be destroyed: must be utilized for care of the sick and wounded**
  - **Identified by hoisting distinctive flag and by use of distinctive emblem**
  - **Equipment marked with distinctive emblem**

- **Protections Afforded Medical Transport**
  - **Aircraft: used exclusively for the transport of sick and wounded are protected against attack as long as:**
    - Clearly marked as medical aircraft of the armed services
    - Fly at heights, times, routes agreed upon with the enemy
    - Land when ordered by the enemy to do so
  - **Hospital Vehicles: used exclusively for transporting the wounded, sick, medical personnel, or medical equipment, will, if properly identified avoid attack**

## ■ **Protections Afforded Medical Transport**

- **Hospital Ships: built or equipped specially and solely to assist, treat, and transport the wounded and shipwrecked -- may not be attacked**
  - **All exterior surfaces shall be white**
  - **One or more dark crosses as large as possible on side of hull and horizontal surfaces**
  - **Hoist distinctive and national flags**
  - **Lifeboats and smaller craft painted similarly**

- **Protections Afforded Medical Facilities**
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- **Protection of Status**
  - **Medical facilities should not hinder the attack of a legitimate military target**
  - **Medical facilities should not be used for offensive military purposes**
- **Medical Facilities may be Defended**
  - **Self defense authorized**
    - **Medical facilities, medical personnel, wounded, sick**
  - **Armed resistance jeopardizes protected status**

- **Medical Personnel: to preserve their protected status, must not engage in any activity inconsistent with their status**
  - **Combatant duties not authorized**
  - **Sentry duties permitted**
  - **Acts harmful to the enemy**
  - **Direct, indirect interference w/military operations**
  - **Use medical facility as shelter for combatants**
  - **Use hospital as arms depot or observation post**

- **LOAC Application to Medical Treatment of Enemy Prisoners of War (EPWS)**
  - **EPWS must be treated humanely and cared for without any adverse distinction**
  - **Enemy wounded, sick must be triaged based solely on the nature of their injuries**
  - **EPWS cannot be subjected to murder, extermination, torture or biological experimentation**



- **Individual Responsibilities**
  - **Know the law**
  - **Comply with the law**
  - **Refrain from LOAC violations**
  - **Report violations**
- **Enforcement**
  - **Domestic US law**
  - **International military tribunals**

# Questions





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